

## **REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-19 in the application. The Applicant has not amended, canceled or added any claims. Accordingly, Claims 1-19 are currently pending in the application.

### **I. Rejection of Claims 1, 3-6 and 8-13 under 35 U.S.C. §103**

The Examiner has rejected Claims 1, 3-6 and 8-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,635,088 to Hind, *et al.* in view of U.S. Patent Application No. 2002/0111924 by Lewis. The Applicant respectfully disagrees.

Hind has been cited to teach recognizing to what extent a message is capable of being discerned. (*See Examiner's Action*, page 2). Hind is directed to a method, system, and computer-readable code for reducing the size of documents (such as XML and DTD documents) through novel compression techniques. (*See column 1, lines 8-12.*) Hind reduces the size of documents through tag compression including locating tags in an encoded file and substituting a unique short tag for each unique one of the located tags in an encoded file. (*See column 4, lines 19-41.*)

Hind does not teach or suggest, however, recognizing to what extent a message is capable of being discerned or parsing messages to determine if messages are decipherable as recited in independent Claims 1 and 6, respectively. On the contrary, as recognized by the Examiner (*see Examiner's Action*, page 2), Hind is directed to known documents and does not address reducing the size of documents of an unknown language. (*See column 3, lines 62-67 and column 15, lines 25-30.*) Since the language of the document is known, there is no need in Hind to recognize to what extent the document is capable of being discerned or to determine if messages are decipherable.

Hind simply locates and substitutes tags for compression. Accordingly, Hind neither teaches or suggests each element for which it has been cited.

To cure the recognized deficiency of Hind, Lewis has been cited to teach receiving a message in a non-negotiated language as recited in independent Claims 1 and 6. Lewis is directed to a fuel dispenser environment having processors with Extensible Markup Language (XML) signal processing capabilities, that facilitate the description, communication, manipulation, and presentation of structured data within and in conjunction with the refueling environment. (See paragraph 2, page 1.) Lewis discloses XML processors that may be programmed to convert or otherwise transform non-XML data objects into XML documents or transform XML documents into non-XML data objects. (See paragraph 85, page 6.) Lewis does not teach or suggest, however, receiving a message in a non-negotiated language as recited in independent Claims 1 and 6. On the contrary, Lewis teaches transforming non-XML documents to XML documents to enable transmission to an XML-compliant device. (See paragraph 100, page 7.) Lewis, therefore, does not teach or suggest each element for which it has been cited.

Thus, the cited combination of Hind and Lewis fails to teach or suggest each element of independent Claims 1 and 6. Accordingly, the combination of Hind and Lewis does not provide a *prima facie* case of obviousness of Claims 1 and 6 and Claims dependent thereon. The Applicant, therefore, respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1, 3-6 and 8-13 and allow issuance thereof.

## II. Rejection of Claims 2, 7 and 14-19 under 35 U.S.C. §103

The Examiner has rejected Claims 2, 7 and 14-19 under 35 U.S.C. §103(a) as being unpatentable over Hind in view of Lewis and in further view of U.S. Patent No. 6,738,803 to Dodrill, *et al.* The Applicant respectfully disagrees.

As discussed above, the cited combination of Hind and Lewis does not teach receiving a message in a non-negotiated language as recited in independent Claims 1 and 6 and in independent Claim 14. Dodrill has not been cited to cure this deficiency but to teach disregarding an unrecognized message. (See Examiner's Action, page 6.) Additionally, Dodrill does not cure this deficiency but is directed to web browser control of audio operations for voice enable web applications **within** a hypertext markup language (HTML) and hypertext transport protocol (HTTP) framework. (See column 1, lines 14-17, with emphasis added.)

The cited combination of Hind, Lewis and Dodrill, therefore, does not teach or suggest each and every element of independent Claims 1, 6 and 14. Accordingly, the combination of Hind, Lewis and Dodrill does not provide a *prima facie* case of obviousness of independent Claims 1, 6 and 14 and Claims dependent thereon. The Applicant, therefore, respectfully request the Examiner to withdraw the §103(a) rejection of Claims 2, 7 and 14-19 and allow issuance thereof.

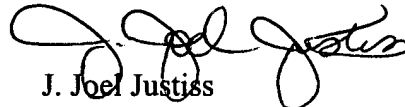
### III. Conclusion

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-19.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

  
J. Joel Justiss  
Registration No. 48,981

Dated: 10/14/04

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800